

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 JOHNNY PARTIDA,
4 AMBER FUCHSLIN

5 Plaintiff

6 v.

7 FBI, et. al.,

8 Defendants

Case No.: 3:21-cv-00346-MMD-WGC

**Report & Recommendation of
United States Magistrate Judge**

9
10 This Report and Recommendation is made to the Honorable Miranda M. Du, Chief
11 United States District Judge. The action was referred to the undersigned Magistrate Judge
12 pursuant to 28 U.S.C. § 636(b)(1)(B) and the Local Rules of Practice, LR 1B 1-4.

13 A complaint was filed that listed Plaintiff as Johnny Partida and Amber Fuchslin, but it
14 was signed only by Mr. Partida. (ECF No. 1-1.) An application to proceed *in forma pauperis*
15 (IFP) was also filed, but only on behalf of Mr. Partida. (ECF No. 1.)

16 On August 11, 2021, the court issued an order noting that Mr. Partida did not appear to be
17 an attorney admitted to the State Bar of Nevada and he did not provide a bar number indicating
18 he is admitted to practice law in any other state. The court advised him that he could not initiate a
19 civil complaint or IFP application on behalf of another individual. The court ordered that within
20 30 days an IFP application submitted and signed by Amber Fuchslin had to be filed, as well as a
21 complaint signed by both Mr. Partida and Ms. Fuchslin. The court noted that it would then
22 address the IFP application and, if granted, would screen the complaint pursuant to 28 U.S.C.
23 § 1915(e)(2)(B). (ECF No. 4.)

1 To date, an IFP application has not been filed by Ms. Fuchslin, and a complaint has not
2 been filed that has been signed by both Mr. Partida and Ms. Fuchslin. Therefore, this action
3 should be dismissed without prejudice for failure to comply with the court's order, and the case
4 should be administratively closed.

5 **RECOMMENDATION**

6 IT IS HEREBY RECOMMENDED that the District Judge enter an order **DISMISSING**
7 the complaint **WITHOUT PREJUDICE**, and administratively closing this case.

8 The parties should be aware of the following:

9 1. That they may file, pursuant to 28 U.S.C. § 636(b)(1)(C), specific written objections to
10 this Report and Recommendation within fourteen days of being served with a copy of the Report
11 and Recommendation. These objections should be titled "Objections to Magistrate Judge's
12 Report and Recommendation" and should be accompanied by points and authorities for
13 consideration by the district judge.

14 2. That this Report and Recommendation is not an appealable order and that any notice of
15 appeal pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure should not be filed
16 until entry of judgment by the district court.

17
18 Dated: September 16, 2021

19 

20 William G. Cobb
21 United States Magistrate Judge
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